

Prescription Privileges and Electronic Prescribing

New York law authorizes nurse practitioners (NPs) to order, prescribe or dispense medications (including controlled substances) for the treatment of their patients. After completing New York State Education Department approved pharmacology coursework and being certified by the New York State Education Department to prescribe, most nurse practitioners must obtain additional government approvals and meet other criteria in order to prescribe medications or certain medical devices.

Effective March 27, 2016, a new law will require nurse practitioners, midwives, dentists, podiatrists, physicians, physician assistants and optometrists in New York State ("prescribers") to issue prescriptions electronically directly to a pharmacy, with limited exceptions. The law will not require a prescriber to issue a prescription electronically when:

- Electronic prescribing is not available due to temporary technological or electronic failure;
- The prescriber has a waiver granted by the New York State Commissioner of Health;
- The prescriber reasonably determines that it would be impractical for the patient to obtain substances prescribed by electronic prescription in a timely manner; or,
- The prescription will be dispensed at a pharmacy located outside New York State.

The new law requires electronic prescribing for all types of medications (controlled substances and non-controlled substances) and for syringes and other medical devices dispensed at a pharmacy in New York. Information about this law (Public Health Law § 281) is available on the New York State Department of Health website.

An electronic prescription is a prescription that is:

- Created, recorded, transmitted or stored by electronic means;
- Issued and validated with the prescriber's electronic signature;
- Electronically encrypted to prevent unauthorized access, alteration or use of the prescription; and,
- Transmitted electronically directly from the prescriber to a pharmacy or pharmacist.

Electronic prescription computer technology must comply with federal and New York regulations. These regulations require prescribers and pharmacists to have a secure (encrypted and encoded) system for electronic transmission of the prescription from computer to computer in order to protect the confidentiality and security of patient information. Electronic prescribing computer applications must also be "certified" (i.e. audited by an organization or certified by the federal Drug Enforcement Agency to ensure it meets technical standards acceptable to federal government).

EMAILED prescriptions are NOT considered electronic prescriptions since EMAIL is not considered a secure method of electronically transmitting a prescription. A faxed prescription is NOT considered an electronic prescription.

Prescribers must personally generate and transmit electronic prescriptions to pharmacies or pharmacists and are not legally allowed to delegate this responsibility to other individuals. Electronic prescriptions must include the same information that written prescriptions do except that:

- All electronic prescriptions must include an NPI number;
- Electronic prescriptions must be electronically signed; and,
- The prescriber must specify whether a prescription must be dispensed as written, if a brand-name product is therapeutically required.

For more information, visit: www.health.ny.gov/professionals/narcotic/

Nurse practitioners and other prescribers must obtain a number of government approvals and identification numbers, and meet other government requirements in order to issue prescriptions or order certain medications or medical devices. Here's a brief summary of these government requirements.

- *A National Provider Identifier (NPI) issued by the US Center for Medicaid and Medicare Services (CMS).* All electronic prescriptions and most written prescriptions issued in New York State must include a NPI. Federal law requires health care providers (including hospitals and nurse practitioners) to use NPIs on electronic health care transactions (i.e., processing claims, status inquiries, eligibility inquiries). CMS issues NPIs to institutional health care providers (i.e., hospitals) and to licensed prescribers (including nurse practitioners). If a prescriber works in a hospital, the prescriber may use the hospital's NPI when issuing prescriptions. In most other cases, the prescriber must include his or her personal NPI on the prescription. For more information about applying for a NPI, visit: www.cms.hhs.gov/nationalProvIdentstand. Applications can be submitted online or by regular mail.
- *A Federal Drug Enforcement Administration Registration (DEA) Number issued by the US Department of Justice- Drug Enforcement Administration.* In New York, a DEA number must be on every prescription for a controlled substance issued by a prescriber. The DEA issues DEA numbers to institutional health care

providers (i.e., hospitals) and to prescribers (including nurse practitioners). In most cases, a prescriber must obtain a DEA number in order to prescribe or dispense controlled substances. In some cases, prescribers who are employed at a hospital may, when acting in the usual course of employment, may dispense or prescribe controlled substances under the DEA number of the hospital. For more information about applying for a DEA number visit, www.DEAdiversion.USDOJ.gov or call 1-877-883-5789, 1-800-882-9539 or 212-337-1593. Prescribers who do not prescribe controlled substances do not need a DEA number.

- *New York State Official Prescription Forms (ONYSRx)*. Each nurse practitioner is legally required to issue all written prescriptions on New York State Official Prescription Forms (ONYSRx forms). After obtaining a Health Commerce System Account and registering with the New York State Department of Health's Bureau of Narcotic Enforcement (as described below) each nurse practitioner may obtain from the New York State Department of Health ONYSRx forms or to authorization to computer print ONYSRx forms. Please be advised that by March, 2016 New York Law will require most prescribers to prescribe electronically. For more information about obtaining official prescription forms and the new law, contact the New York State Department of Health Bureau of Narcotic Enforcement by telephone 866-811-7957 or 518-402-0708, or check the New York State Department of Health website.
- *A Health Commerce System Account (HCSA) from the New York State Department of Health*. Nurse practitioners must have a HCSA in order to electronically order New York State Official Prescription forms (ONYSRx forms) and to access an online Prescription Monitoring Registry when prescribing controlled substances. New York Law requires prescribers, when prescribing controlled substances, to consult the registry, which contains information about prescriptions for controlled substances obtained by their patients. Instructions for establishing a Health Commerce System Account are available at the New York State Department of Health's web site: www.health.ny.gov/professionals/narcotic/. Prescribers who do not prescribe controlled substances do need an HCSA account.
- *Registration with the New York State Department of Health's Bureau of Narcotic Enforcement*. Each nurse practitioner must register with the New York State Health Department's Bureau of Narcotic Enforcement in order to prescribe controlled substances. The registration must be renewed every 2 years. Instructions on registering are available at the New York State Department of Health's Bureau of Narcotic Enforcement web site: www.health.ny.gov/professionals/narcotic/. Nurse practitioners who do not prescribe controlled substances do not need to register as a prescriber of controlled substances with the New York State Department of Health's Bureau of Narcotic Enforcement.
- *Registration of "Certified" Electronic Prescribing Computer Applications* Prescribers (including nurse practitioners) must ensure that they issue electronic prescriptions using electronic prescribing computer applications that meet federal regulatory criteria for protecting the confidentiality and security of patient information. Information relating to federal criteria for electronic prescribing computer applications is available at: www.deadiversion.usdoj.gov/ecommm/e_rx/thirdparty.htm. Nurse practitioners should verify with the computer company that licenses that their electronic prescribing computer application that the application is "certified" (i.e. audited by an organization or certified by the federal Drug Enforcement Agency to ensure that the computer application meets technical standards acceptable to federal government). Nurse practitioners must then complete a "Practitioner EPCS Registration Form" and file it with the New York State Department of Health's Bureau of Narcotics Enforcement. On the form, the nurse practitioner must identify the "certified" electronic prescribing computer application that he or she uses. For information about registration send an email to narcotic@health.ny.gov. Include "Electronic Prescribing" in the subject. Addition information about electronic prescribing is at: www.health.ny.gov/professionals/narcotic/electronic_prescribing/
- *A Medicaid Provider Number*. Nurse practitioners must obtain a Medicaid Provider Number in order to prescribe for Medicaid beneficiaries. To access application forms for Medicaid reimbursement, go to www.emedny.org and click on the provider enrollment tab at the top of the page. Nurse practitioners who will not be participating as a provider in New York's Medicaid Program do not need to obtain a Medicaid Provider Number.